

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GABRIEL ROSA-DIAZ,	:	Civil No. 1:16-cv-2303
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
LAUREL HARRY, et al.,	:	
	:	
Defendant.	:	Judge Sylvia H. Rambo

MEMORANDUM

Before the court is a report and recommendation in which the magistrate judge recommends that Gabriel Rosa-Diaz's request for a restraining order and preliminary injunction be denied. No objections have been filed. For the reasons set forth below, the report and recommendation will be adopted.

I. Background

Rosa-Diaz's motion seeks an order enjoining the defendants to return various swimsuit and lingerie magazines that were confiscated from his cell at SCI Camp Hill. He alleges that the confiscation interferes with his ability to develop his artistic skills. (Doc. 48-1, ¶ 7.)

II. Discussion

The magistrate judge in examining the request applied the legal standards for Federal Rule of Civil Procedure 65 and the factors set forth by the Court of Appeal for the Third Circuit, as follows:

(1) whether the movant has shown a reasonable probability of success on the merits; (2) whether the movant will be irreparably injured by denial of the relief; (3) whether granting preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest.

The magistrate judge provided an in depth analysis of the aforesaid standards to the facts of this case and has rightfully concluded that Rosa-Diaz has not met any factors that entitle him to the relief requested. This court agrees with his analysis.

III. Conclusion

The report and recommendation will be adopted. An appropriate order will follow.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: January 23, 2018